

February 4, 2015

Via E-mail (hssframework@cde.ca.gov)

California Department of Education &

Instructional Quality Commission

1430 N Street

Sacramento, CA 95814

Re: History–Social Science Framework for California Public Schools

Dear Colleagues:

As national organizations with legal expertise on Sikh American civil rights issues, we respectfully request deletion of *Cheema v. Thompson* (1995) from the History-Social Science Framework draft, specifically in Grade 12: Principles of American Democracy, Interpreting the Constitution: The Work of the U.S. Supreme Court (line 2489).

The *Cheema* case implicated the right of a Sikh student to wear a Kirpan (a Sikh article of faith, resembling a small sword). Although the court in *Cheema* recognized the religious significance of the Kirpan, it imposed discriminatory limitations on the right to wear it. For example, while the court in *Cheema* required Kirpans to be sewn tightly to their sheaths and worn underneath clothing, elementary schools in California—and, indeed, throughout the nation—today routinely require students to bring scissors to school that may be sharper than a Kirpan and handle baseball bats and other objects during gym class that are more capable of being weaponized than a Kirpan. Disparate treatment such as this between religious and secular objects violates the First Amendment to the U.S. Constitution, and we believe the *Cheema* case is not only irrelevant to the 21st century legal landscape but also that it has been superseded by policies that are better aligned with modern constitutional jurisprudence. The current trend is for public institutions to accommodate the Kirpan. In 2012, the Federal Protective Service—a component of the U.S. Department of Homeland Security—created a procedure to allow Kirpans to be worn in federal buildings.¹ Schools nationwide have also allowed students to wear the Kirpan without the arbitrary limitations imposed by the court in the *Cheema* case. While this particular area of law remains unsettled, the *Cheema* case is no longer current.

We are grateful for the opportunity to clarify this matter and hope that references to the *Cheema* case will be deleted from the Framework. Thank you for your consideration.

Respectfully submitted,

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¹ Available at <http://www.dhs.gov/sites/default/files/publications/foia/prohibited-items-program-nppd-fps-directive-15.9.3.1.pdf>.